

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JUAN DIAZ,

Defendant.

97-cr-257 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

The Court has received defendant Juan Diaz's pro se motion for modification of his sentence in light of the Department of Justice's "Fast Track" program, which was implemented after Diaz's conviction and sentence. See ECF 22. But the Court recently considered and rejected this argument on the merits when it was presented by appointed counsel on the defendant's motion for compassionate release. See ECF 21 at 3 n. 1. As explained in that Order, dated December 14, 2021, the Government persuasively explained at oral argument that under the applicable Fast Track guidance, Diaz would likely not have received any benefit had the program existed at the time of his sentencing, because Diaz was convicted of the violent crime of second degree murder. See id.

Diaz's pro se motion presents no reason to alter this conclusion. Accordingly, the pro se motion is denied.

SO ORDERED.

New York, NY  
May 12, 2022



JED S. RAKOFF, U.S.D.J.